

REMARKS/ARGUMENTS

These Remarks are responsive to the Office Action mailed March 16, 2006 ("Office Action"). Applicants respectfully request reconsideration of the rejections of claims 1-11, 13-18 and 20 for at least the following reasons.

Statement Of The Substance Of The March 7, 2006, Interview

Applicant thanks Examiner Doan for the courtesy of granting an interview with Applicant's representative on March 7, 2006. During the interview, Applicant's representative requested that Examiner Doan indicate allowable subject matter. Examiner Doan indicated that the newly discovered art (cited in this Office Action) would be applied to reject the claims. At the March 7, 2006, interview, Examiner Doan generally discussed the newly discovered art and did not articulate the specific rejection that she has now applied to the claims, therefore, Applicant's representative did not have any specific remarks to make at the time of the March 7, interview. For the reasons stated below, Applicant respectfully does not agree that the newly cited art renders the claims unpatentable.

Rejections Under 35 U.S.C. § 103

Applicant respectfully traverses the rejections of the claims based upon the cited art (JP '684, Ramm, and Jones-Roberson). Each of the independent claims recite that at least a portion of the glove has "an outer layer of absorbent material adapted for absorbing moisture from a person's hair, an inner layer of insulative material adapted to protect a person's hands from excessive heat, and a middle layer of impermeable material which substantially prevents moisture from the absorbent layer from reaching the insulative layer." The prior art does not alone or in-combination disclose or suggest at least this feature.

As stated in the specification (e.g., para. [0028] and Fig. 6) the middle layer of impermeable material is desirable because many insulative materials can become ineffective when they are saturated with liquid. None of the cited references, alone or in combination, contain these claimed features. Nor, as

discussed below, would it be obvious for one of ordinary skill in the art to have combined the references as suggested by the Examiner.

The Examiner admits that JP '684 does not disclose a glove with the claimed layers. See Office Action, p. 2-3. In fact, JP '684 discloses a single layer absorbent towel glove. See JP '684, abstract. Ramm discloses a two layer embodiment that comprises an absorbent outer layer and a waterproof inner layer, but does not disclose the use of an impermeable middle layer. See col. 1, lines 61-63. Jones-Roberson discloses a glove made of a fluid repelling material and a heat resisting material, but does not disclose an outer absorbent layer. See col. 3, lines 19-24.

Applicant respectfully submits that none of the cited references disclose or suggest an absorbent outer layer, an insulative inner layer and an impermeable middle layer to prevent moisture from reaching the inner layer. Despite the Examiner's assertion to the contrary, absent applicant's own disclosure, it would not have been obvious to one of ordinary skill in the art to modify the references. JP '684 is directed to drying hair and thus discloses a towel glove without any moisture or thermal protection at all. Ramm fails to disclose an impermeable middle layer to prevent moisture from reaching the inner layer and is, thus, susceptible to the problems disclosed in applicant's specification. Jones-Roberson is directed to thermal styling with a thermal styling tool T1 (e.g., a curling iron) not hair drying and as such fails to disclose an absorbent outer layer. Therefore, applicant respectfully submits that it would not have been obvious for one of ordinary skill in the art at the time of the invention to have combined the references as suggested by the Examiner. As noted above, all of the claims recited the above noted features, thus, Applicant respectfully requests that the rejections of all the claims be withdrawn.

Evidence of Non-Obviousness

Applicant has submitted herewith additional evidence of non-obviousness. The attached Declaration of Catherine L. Gifford includes evidence of

commercial success of the claimed invention and demonstrates how the claimed invention satisfies a long-felt need in the art.

As indicated in the attached Declaration, Vogue Magazine (a premier fashion-industry publication) included the claimed invention on its “Most Wanted for Spring” list in its April 2005 issue. Decl. para., 2. Furthermore, the March 2005, issue of Sophisticate’s Hair Style Guide included an article about the claimed invention characterizing the invention as “nifty” and a “hot opportunity.” Decl. para. 3. In addition to this industry recognition of the non-obviousness of the claimed invention, those working in the field have recognized the non-obviousness of the claimed invention.

Included with the attached Declaration are testimonials, submitted via email, of professionals in the field that recognize the non-obviousness of the claimed product. In particular, the testimony of Ms. Thornton demonstrates that the an advantage of the claimed invention is the glove material. Namely, the “material is thin enough to be able to manipulate the hair into the correct style and yet be a protective cover from over heating.” Decl., para. 5.

Finally, the attached Declaration includes sales data indicating that the demonstrated commercial success of the invention. Decl., para. 6. For at least these reasons, Applicant respectfully requests that the present rejections be withdrawn.

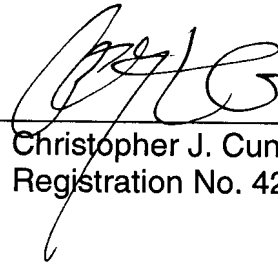
Conclusion

In the event any variance exists between the amount authorized to be charge to the Deposit Account and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-0206.

Respectfully submitted,

HUNTON & WILLIAMS LLP

By:

A handwritten signature in black ink, appearing to read 'CJ Cuneo', is written over a horizontal line.

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Dated: July 17, 2006

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